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## Stop alien smuggling

By David C. Iglesias  
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Smuggling aliens across our borders is a dangerous business. All too often, people entrust their lives to smugglers, only to die in the broiling desert, or suffocate in the back of locked, airless trucks while the smugglers profit. As a Southwest Border federal prosecutor, I welcome the much-needed anti-smuggling tools the U.S. House of Representatives recently passed as part of immigration reform and can provide a frontline view of the tragedies that have evolved with this growing industry.

These smuggling rings, which facilitate illegal entry into the United States and mercilessly exploit human beings for money, are a danger to immigrants and a threat to our national security that must be addressed.

One case prosecuted by my office involved a smuggler who crammed 21 illegal immigrants into a Chevy Suburban. When he crashed in southern New Mexico, one person died and at least 12 more were seriously injured. The smuggler's sentence? Thirty-seven months. Under the immigration reform bill recently passed by the House, the sentence would be a mandatory 10 years to life.

In a case prosecuted in Washington, a smuggler living in South America arranged for illegal aliens, who were coming from the Middle East to South America, to get to the United States. Because the court found that he did not actually "bring" the aliens to the United States himself, he could be convicted only of violating one part of the statute, and consequently he received a sentence of only 30 months.

We have also seen a number of cases where boat operators bring aliens illegally from China or Ecuador to Central America (who then travel by land to the United States), subjecting the aliens to assaults, overcrowding and potential drowning. We often cannot prosecute these smugglers further back in the international network because current law does not enable us to link the smugglers to a violation of U.S. law. The legislation recently passed by the House would allow us to prosecute those smugglers.

Our existing alien smuggling laws are inadequate, outdated, and unnecessarily

complicated. As these cases demonstrate, the current penalties for alien smuggling do not reflect the seriousness of the crime. The more serious charges that carry the stiffer penalties often are not available in most alien smuggling cases, even when smugglers routinely place their human cargo at great risk of harm.

And there are other gaping holes in our criminal law that must be filled. It is a criminal offense to enter the United States by evading an immigration checkpoint, but there is no criminal penalty for intentionally remaining in the country after a visa expires. Similarly, the penalties are inadequate for organized passport and immigration fraud, and there is no crime directed at those who defraud immigrants. Whatever position people may take in the immigration debate, all can agree that we need a well-functioning justice system that deters fraud and human exploitation.

The bill passed by the House would address these gaps and would give federal prosecutors on the southwest border many desperately needed tools to take down smuggling rings and obtain justice for the victims. In particular, the bill strengthens the penalties for alien smugglers, especially those who put immigrants at risk of death or serious bodily injury. It extends the arm of the law to better reach foreign alien smuggling rings and those who help illegal aliens to cross our borders. The legislation would also impose new penalties for organized passport and immigration fraud and makes it a federal crime to defraud immigrants. These important changes will provide prosecutors additional tools to prosecute every person involved in smuggling an alien into the country or defrauding immigrants.

Contrary to recent press reports, these important provisions target alien smugglers, not individuals who happen to provide humanitarian assistance to aliens. Like current law, the provisions of the bill only apply to those who act knowingly or recklessly, and do not require anyone to check a person's immigration status before helping them. As prosecutors, our focus is on criminals who profit from the deadly smuggling trade, not those who simply provide basic necessities to immigrants and do not engage in profit-making criminal endeavors or thwarting law-enforcement efforts. Members of human smuggling networks -- from the "coyotes" or guides to document forgers to financiers -- must be put on notice that they will be caught, prosecuted and serve hard time.

Border prosecutors strongly support these alien smuggling provisions because they bring alien smuggling laws into the 21st century and respond to the evolving threats we face at the border. In this post-September 11 world, we must take every opportunity to strengthen our borders, prevent deaths of immigrants and protect innocent American citizens.

*David C. Iglesias is the United States attorney for the district of New Mexico and past chair of the Border and Immigration Subcommittee of the Attorney General's Advisory Committee. He emigrated to the United States from Latin America as a child with his family.*